

REMARKS

By the present amendment, Applicant has amended Claims 1, 6 and 10. Claims 2-4 have been cancelled, and Claims 12 and 13 have been added. Claims 1 and 5-13 remain pending in the present application. Claims 1 and 10 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held September 20, 2005. The present response summarizes the substance of the interview. At the interview, the foldable presentation display of Applicant's invention was demonstrated for the Examiner, and a proposed amendment to the claims was presented for the Examiner's review. Proposed Claims 1 and 10 were drafted to set forth in greater detail, the unique construction of the display panels of Applicant's device, and in particular, the thermoformed rear covering with rib arrangement on each of the panels and a recessed area on at least one of the panels. Arguments were advanced against the Examiner's rejection of the claims. The principle thrust of those arguments being that the rear covering of the panel in the basic reference to Kemeny is an extremely thin sheet which is adhered flush to the rear of the panel core, that the ribs in Arico are on the central core and not the rear covering, and that there is no proper motivation for modifying Kemeny by the teachings of Arico, as urged by the Examiner in his rejection. The Examiner indicated that he understood the arguments that were being advanced, but wished to give the claims further consideration upon the filing of a formal

amendment, with an additional search possible. No indication of patentability was given at the time of the interview.

Applicant has amended the specification by replacing incorrect reference numerals in the paragraph at page 9, lines 11-19. No new matter has been added by this amendment.

In the recent Office Action, Claims 1, 2, 4 and 5 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Kemeny (US 4,722,146) in view of Millgate (US 2,867,045). Claims 3 and 6 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Kemeny (US 4,722,146) in view of Millgate (US 2,867,045), and further in view of Arico (US 4,926,609). Claims 7 and 8 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Kemeny (US 4,722,146) in view of Millgate (US 2,867,045), and further in view of Beaulieu (US 5,125,193). Claim 9 has been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Kemeny (US 4,722,146) in view of Millgate (US 2,867,045), and further in view of Womack (US 5,269,524). Claims 10 and 11 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Kemeny (US 4,722,146) in view of Millgate (US 2,867,045) and Beaulieu (US 5,125,193), and further in view of Womack (US 5,269,524).

Applicant has amended independent Claims 1 and 10 to include the subject matter previously recited and claimed in cancelled Claims 3 and 4, to ribs (50), or corrugations and recessed area (60). Claims 1 and 10 have been further amended to reflect the importance of these limitations. New Claims 12 and 13 have been added, and recite the strap used to secure the wing panels of Applicant's invention in a closed position. Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

As noted above, in the recent Office Action the Examiner rejected dependent Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Kemeny in view of Millgate, and rejected dependent Claim 3 as being unpatentable over Kemeny in view of Millgate and further in view of Arico. The patent to Kemeny discloses a portable display panel apparatus having panel units 20 hingedly connected along adjacent vertical sides. Each panel unit is comprised of a foam core 36, sandwiched between a pair of flat, thin backing sheets 40, 42 with an optional fabric layer 44 supported on one of the backing sheets. A channel member surrounds the edges of each of the panels, and hinges connect the panels together. In describing the backing sheets 40, 42., Kemeny states:

“Preferably, the backing sheets 40, 42 are of a strong, rigid plastics material such as melamine, available in sheet form from Pioneer Plastics of Auburn, Me. The backing sheets 40, 42 of such material are 0.020 inch thick, for example, and are attached to the core 36 by a pressure-sensitive hot melt adhesive which is sprayed

on the backing sheets 40, 42 after which they are pressed against the core 36” (Kemeny, col. 5, lines 1-8).

The patent to Millgate discloses a foldable display or instruction aid. The device is formed of a plurality of hingedly connected panels and has a handle 71, attached to the side edge of one of the panels. The Arico patent discloses an exhibit display, which is freestanding, is knockdown, and is formed of a plurality of hingedly connected panels. Each panel 12 is corrugated with a plurality of longitudinal ribs 24. On the front of each panel is a decorative overlay 18, and on the rear of each panel 12 is a rear overlay 38. Arico states:

“A rear overlay 38, made of polypropylene, is connected to the rear surface 30a and 36a by any suitable means, but is preferably fixed by a glue or double back tape. The rear overlay 38 provides additional strength and structural integrity to each structural panel 12 by stiffening the same against flexure. It also provides a clean, professional appearing rear surface for any display system constructed with the structural panels”(Arico, col. 5, lines 49-57).

The Examiner believes that it would have been obvious to modify the portable display apparatus of Kemeny by providing a handle on top of the one of the display panels, according to the teachings of Millgate, and to provide corrugations or ribs on the rear covering of the Kemeny panels according to the teachings of Arico. The Examiner further believes that it would have been obvious to provide a centrally located recessed, or embossed area on the rear covering of the Kemeny panel. The Examiner urges that “it would have been obvious to have a rear surface of one of the panels of Kemeny embossed for the purpose of aesthetics and displaying information since the examiner takes official

notice that embossing a rear of a panel of a display device to either provide an decorative design or display information is well known in the art. Furthermore, the embossing feature is considered to be a design choice in that applicants do not disclose any criticality for such a feature”(Office Action, p. 3, lines 3-8). Applicant does not agree.

In this regard, and turning first to the Kemeny patent, it can be seen that the rear covering member of Kemeny is an extremely thin, hard plastic (0.020 inch thick), and it is adhered flush to the rear surface of the central core. In looking at the Arico reference, applied by the Examiner to teach the placement of corrugations or ribs on the rear covering of Kemeny, it can be seen that Arico actually shows corrugations or ribs on the panel central core, with the rear covering 38 being a planar, flat surface for, as Arico says, providing “a clean, professional appearing rear surface for any display system constructed with the structural panels”.

MPEP § 2143 states: “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be

found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”

In Applicant’s view, since the rear covering member of Kemeny is a thin sheet, adhered flush to the central core it would not be an obvious modification to provide a centrally located embossed recess, as the Examiner urges. Because of the thinness of Kemeny’s rear covering, providing a recess or embossment would be highly unlikely, and because of the flush mounted relationship between the rear covering and the central core of Kemeny’s panel, such a recess would simply have no place to go, or to paraphrase the above-noted citation from § 2143 of the M.P.E.P., there would be no reasonable expectation of success. In addition, Applicant’s centrally located recess is not merely for aesthetic purposes, but also performs the additional function of adding structural integrity to the rear of the panel. This purpose is more clearly brought out in amended Claims 1 and 10, with support for this recitation clearly found at the bottom of page 10 of Applicant’s specification.

In Applicant’s view, the Examiner’s rejection fails additionally because the Arico patent, applied for the teaching of a rear covering with corrugations or ribs, as noted-above, actually teaches a rear covering having a planar, flat surface for “a clean, professional appearing rear surface”, whereas the ribs or corrugations of the Arico panel

are part of the central core. Thus, there is no proper teaching or suggestion in the applied prior art for providing ribs in the rear covering of Kemeny.

Obviousness is tested by "what the combined teachings of the references would have suggested to those of ordinary skill in the art." In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). There is nothing in the teachings of the relied upon prior art references which would have suggested the proposed modifications noted above, and thus the obviousness of the Examiner's modifications of the portable display panel apparatus of Kemeny. It is only by impermissible hindsight and reliance on Applicant's own disclosure that the Examiner would have been led to reconstruct the display panel apparatus of Kemeny so as to derive Applicant's claimed presentation display from the applied teachings. It is therefore Applicant's conclusion that the combined teachings of Kemeny, Millgate and Arico fail to establish a *prima facie* case of obviousness.

The Beaulieu patent relied upon by the Examiner in rejecting Claims 7, 8 and 10, the Womack patent relied upon in rejecting Claims 9 and 10, and the remaining patents made of record, but not applied in any rejection of the claims have also been carefully reviewed,

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however, Applicant finds nothing therein which would overcome or supply that which is lacking in the basic combination of the other applied prior art noted above.

New Claims 12 and 13 are drawn to the securing strap of Applicant's invention. This feature, as claimed, is not disclosed in any of the references made of record in the present application. Thus, none of the references taken alone, or in combination, teach or suggest Applicant's combination of elements recited in Claims 12 and 13.


The claims in this application have been revised to more particularly define Applicant's unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the above-noted reasons is respectfully requested.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Gibson". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

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